

1 MAY 2000



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In re Application of
MORELLE et al.
U.S. Application No. 09/463,536
PCT No.: PCT/FR99/00297
Int. Filing Date: 11 February 1999
Priority Date: 26 March 1998
For: COMPOSITIONS FOR IMPROVING CROP
PRODUCTION, THE QUALITY AND
PROTECTION THEREOF

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on applicant's "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION" filed 25 January 2000 in the above-captioned application. The petition fee under 37 CFR 1.17(m) has been submitted.

BACKGROUND

On 11 February 1999, applicant filed international application PCT/FR99/00297 which claimed a priority date of 26 March 1998 and which designated the United States. A proper Demand was not filed with the International Preliminary Examination Authority prior to the 19th month from the earliest claimed priority date. As a result, the deadline for payment of the basic national fee was to expire 20 months from the priority date, or at midnight on 26 November 1999.

On 25 January 2000, applicant filed a transmittal letter requesting entry into the national stage in the United States. The petition was accompanied, inter alia, by: the basic national fee; a copy of the international application; a small entity statement; a declaration and power of attorney; a small entity statement; and the present petition under 37 CFR 1.137(b) accompanied by the requisite petition fee.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the proper response was the payment of the basic national fee of \$420.00

As to Item (2), the appropriate petition fee of \$605.00 as required by 37 CFR 1.17(m) was submitted.

With regard to Item (3), applicant's statement that "entire delay in filing the request for entry into U.S. and submission of the required fees until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

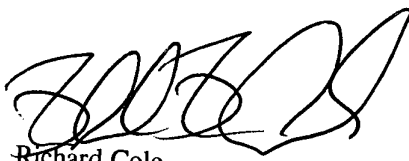
Deposit Account No. 05-1675 has been charged a \$65.00 processing fee under 37 CFR 492(e) for supplying an oath or declaration later than 20 months from the earliest claim priority date, as authorized.

CONCLUSION

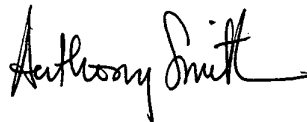
All of the requirements of 37 CFR 1.137(b) have been met and applicant's petition to revive is GRANTED.

The application has an international filing date of 11 February 1999 under 35 U.S.C. 363 and a 35 U.S.C. 102(e) and 371(c) date of **25 January 2000**.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.



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